



CITY OF BRUNSWICK

1 W. Potomac Street • Brunswick, Maryland 21716 • (301) 834-7500

Brunswick Planning Commission Minutes February 26, 2007

Commission Members Present: Chair Ed Gladstone, Vice Chair Connie Koenig, Secretary Wayne Dougherty, Council Liaison Walt Stull, and Ellis Burruss, Alternate.

Staff Present: Planning and Zoning Administrator Rick Stup, City Development Review Planner Jeff Love, and County Planning Liaison Carole Larsen.

Chair Gladstone called the meeting to order at 7:00 PM.

Mr. Gladstone requested all those in attendance who were going to speak to rise and be sworn in.

Minutes

The minutes of the January 22 & 24, 2007 meeting were reviewed and approved as presented. (MOTION by Ms. Koenig and seconded by Mr. Burruss unanimously passed.)

Chair

Mr. Gladstone stated that the night's events were being televised and recorded.

Mr. Stup reviewed the Agenda Package and the items distributed on the Dais. He also informed the Commission that Mr. Burruss had been reappointed to a 5 month and a 5 year term as the Commission Alternate Member.

Old Business

Master Plan

Staff review of the status and schedule revisions for Update/Re-write of the current City of Brunswick Master Plan

Mr. Stup reviewed the Schedule and progress with regard to the Master Plan Update/Rewrite. He stated that after the January 30th Workshop, Staff was instructed to schedule the Master Plan for Mayor & Council Action, which is on February 27, 2007.

Mr. Stup answered Commission questions.

Zoning – Site Plans

Galyn Manor Recreational Amenities Site Plan – Staff update of the status of the Temporary Use of the School Site for a Recreational Areas in the Galyn Manor PUD, located West of MD Route 464, North of Souder Road. Zoning Classification: R-1; BR-PUD-01-SP-RA

Staff Presentation:

Mr. Stup briefed the Commission on the status of the progress for utilization of the BOE School Site for use as a Temporary Recreation Area for Galyn Manor, and answered Commission questions.

Applicant: None.

Public Comment: None.

Mr. Burruss recused himself from the next case and left the Dias and room.

Zoning – Site Plans – Extension

Approval

Brandywine, LLC Property – Request for APFO and Site Plan Approval of 5603 SF Business/Office Building in the Northeast Quadrant of the intersection of East Potomac Street and First Avenue. Zoning Classification: B-3; Water and Sewer Classification: W-1, S-1; BR-SP-04-03-SP

Staff Presentation and Recommendation

Mr. Love presented the Staff Report for the request for an extension of the Site Plan Approval. He stated that, normally, Staff does not support the extension of approvals for projects when the plan conditions have not been met and/or the plan is not signed by the Chair. However, since the Taps were just allocated and the applicant has made considerable progress since that time, Staff can support an extension of the Site Plan Approval to coincide with the Tap Allocation.

Staff recommended approval of an extension to the Site Plan Approval until February 25, 2008, which coincides with the Tap Allocation expiration of February 26, 2008, with all previous Site Plan Approval Conditions.

Mr. Love answered Commission questions.

Applicant:

Mr. Jonathan Allgaier, Fusion Architecture, Planning, and Design, LLC, presented the applicant's case, and answered questions.

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Public Comment: None.

Rebuttal: None.

Decision:

Ms. Koenig made a motion to approve an extension to the Site Plan Approval until February 25, 2008, which coincides with the Tap Allocation expiration of February 26, 2008, with all previous Site Plan Approval Conditions in accordance with Staff Recommendation; Mr. Stull seconded the motion.

VOTE: Yea 4 Nay 0

Mr. Burruss entered the meeting.

Public Hearing

Text Amendment – Zoning Ordinance

Review of Planning Commission initiated amendment (Ordinance 448) to the Zoning Ordinance, Article 5, Section 5.12 A.2. and Article 5, Section 5.12 B. 2. a. for a recommendation to the Mayor and Council. BR-ZO-06-02-TA (Continued from January 22, 2007)

Staff Presentation and Recommendation:

Mr. Stup stated that this was a continuance of the Public Hearing from January 22, and that the item was properly advertised.

The following is a summary of the proposed amendments:

Article 5 General Requirements, Section 5.12 A. 2.

Language has been added to require conformity with the Final Site Plan and Final Site Development Plan, as defined in the Subdivision Regulations, prior to the issuance of a Zoning Certificate.

Article 5 General Requirements, Section 5.12 B. 2 a.

Language has been added to clarify when a Final Site Plan is considered approved.

Staff has received no further comments since the January meeting.

Staff recommended approval of the Text Amendment (Ordinance 448) in accordance with the Staff Report, and that the approval recommendation is forwarded to the Mayor & Council as part of a Staff Report.

Mr. Stup answered Commission questions with regard to the proposed amendments and Staff Recommendation.

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Applicant: None since the City is the applicant.

Public Comment: None.

Rebuttal: None.

Decision:

Mr. Dougherty made a motion to approve the amendment in accordance with Staff Recommendation; Ms. Koenig seconded the motion.

VOTE: Yea 5 Nay 0

Review of Planning Commission initiated amendment (Ordinance 449) to the Zoning Ordinance, Article 6, Section 6.6 for a recommendation to the Mayor and Council. BR-ZO-06-03-TA (Continued from January 22, 2007)

Staff Presentation and Recommendation:

Mr. Stup stated that this was a continuance of the Public Hearing from January 22, and that the item was properly advertised.

The following is a summary of the proposed amendments:

Article 6 Administration, Section 6.6 Revocation.

Language has been added to require conformity with the Final Site Plan and Final Site Development Plan, as defined in the Subdivision Regulations, prior to the issuance of a Zoning Certificate.

Staff has received no further comments since the January meeting.

Mr. Stup answered Commission questions with regard to the proposed amendment and Staff Recommendation.

Applicant: None since the City is the applicant.

Public Comment: None.

Rebuttal: None.

Decision:

Ms. Koenig made a motion to approve the amendment in accordance with Staff Recommendation; Mr. Burruss seconded the motion.

VOTE: Yea 5 Nay 0

County APFO Amendment Referrals

APFO – County

Review of the proposed Board of County Commissioner's amendment of the County APFO, Section 1-20-23(A) with regard to who may initiate an amendment to the County APFO for recommendation to the Mayor & Council. FcPc File Number AT-07-00

Staff Presentation and Recommendation:

Mr. Stup presented the Staff Report for the proposed amendment to the County APFO.

Staff recommended that the Planning Commission forward an Approval Recommendation to the Mayor and Council for the following reasons:

1. The proposed amendment does not undermine the intent of the City APFO, especially the School Test.
2. It does not appear to create additional opportunities for development to infringe into the Ag and Conservation Zones.
3. It does not encourage development outside of designated Growth Areas.
4. The City's ability to execute its Master Plan appears would not be compromised.

Staff further recommended the recommendation be forwarded to the Mayor and Council as part of the Staff Report.

Mr. Stup answered Commission questions with regard to the proposed amendment and Staff Recommendation.

Applicant: None since the request was from the Frederick County.

Public Comment: None.

Rebuttal: None.

Decision:

Mr. Burruss made a motion to approve the amendments in accordance with Staff Recommendation; Ms. Koenig seconded the motion.

VOTE: Yea 4 Nay 1 (Dougherty)

Review of the proposed Board of County Commissioner's amendment of the County APFO, Section 1-20-13(A), Alternate School Capacity Option for recommendation to the Mayor & Council. FcPc File Number AT-07-02.

Staff Presentation and Recommendation:

Mr. Stup presented the Staff Report for the proposed amendment to the County APFO.

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Staff recommended that the Planning Commission forward an Approval Recommendation to the Mayor and Council for the following reasons:

1. The proposed amendment does not undermine the intent of the City APFO.
2. It does not appear to create additional opportunities for development to infringe into the Ag and Conservation Zones.
3. It does not encourage development outside of designated Growth Areas.
4. The City's ability to execute its Master Plan appears would not be compromised.

Staff further recommended the recommendation be forwarded to the Mayor and Council as part of the Staff Report.

Mr. Stup answered Commission questions with regard to the proposed amendment and Staff Recommendation.

Applicant: None since the request was from the Frederick County.

Public Comment: None.

Rebuttal: None.

Decision:

Ms. Koenig made a motion to approve the amendments in accordance with Staff Recommendation; Mr. Burruss seconded the motion.

VOTE: Yea 5 Nay 0

Zoning -Improvement Plan

Brunswick Crossing PUD – Request for Improvement Plan Approval for SEC & SWM Phase 1A-1C & Club House, located East of Jefferson Pike, South of Burkittsville Road, West of Petersville Road. Zoning Classification: R-1, R-2, RS and OS; Water and Sewer Classification: W-3, S-3; BR-PUD-03-01-PIII-IP-2

Staff Presentation and Recommendation

Mr. Love presented the Staff Report for the SEC/SWM Improvement Plan for Phase IA – IC and the Community Center portion of the PUD.

Staff recommended Approval of the SEC/SWM Plan in accordance with the Staff Report and with the following specific conditions:

1. Address Checksheet Items and Staff Comments to Staff's satisfaction.
2. Address appropriate Agency Comments.
3. PWA Package must be submitted and approved.
4. Deeds of Easement and Maintenance Covenants and Agreements must be submitted and approved prior to or as part of the PWA Package.

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5. Applicant bound by their testimony.

Messrs. Love and Stup answered Commission questions.

Applicant:

Mr. Dan Snyder, Brunswick Crossing LLC, presented the applicant's case, and answered Commission questions.

Public Comment: None.

Rebuttal: None.

Decision

Ms. Koenig made a motion to approve the SEC & SWM Improvement Plans for Phase 1A-1C & Community Center in accordance with the Staff Recommendation and Staff Report; Mr. Dougherty seconded the motion.

VOTE: Yea 5 Nay 0

Planning & Zoning –Report

Staff presentation of the 2006 Annual Report for the Planning & Zoning Office to be forwarded to the Department of State Planning in accordance with Article 66B of the Annotated Code of Maryland.

Staff Presentation and Recommendation:

Mr. Love presented the 2006 Annual Planning Report, which was based on calendar Year rather than Fiscal Year. He stated that Annual Planning Report is a requirement of 66B of the Annotated Code of Maryland, Section 3.09, and Planning Commission Approval was required. He stated that reference language to HB 1141 from the 2006 General Assembly Session was erroneously omitted from the draft, and Staff would like for the verbiage to be added to the approved draft.

Staff recommended approval of the 2006 Annual Planning Report.

Mr. Love answered questions on the Report.

Applicant:

None since the Planning & Zoning Staff is the applicant.

Public Comment: None.

Rebuttal: None.

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Decision:

Mr. Dougherty made a motion to approve the 2006 Annual Planning Report in accordance with Staff amended Recommendation; Mr. Stull seconded the motion.

VOTE: Yea 5 Nay 0

Commission Business

Staff presentation of a Supplemental Zoning Map.

Mr. Stup explained the situation with regard to the existing Zoning Map and the capability with the new GIS Software. He stated that Staff continues to have difficulties determining Zoning from the current map, and that a determination had been required to provide MDP data for them to proceed with the Development Capacity Analysis for the City. Additionally, the new map would allow for citizens to be able to better identify their property within the various Zoning Districts. While the intent isn't to change any of the current Zoning on properties, the City Attorney has indicated that we should proceed and adopt the new Map as a Supplemental Zoning Map.

Mr. Stup answered commission questions.

Decision:

Motion by Mr. Burruss; seconded by Mr. Stull directing Staff to proceed with the City Attorney to prepare a Zoning Map Amendment to adopt the Supplemental Zoning Map.

VOTE: Yea 5 Nay 0

Public Comment

Mr. Stup stated that the next scheduled meeting was March 26, 2007 at 7:00 PM.

Adjournment

The meeting was adjourned at 8:15 PM.

Respectfully submitted,

Edward A. Gladstone, Chair
Brunswick Planning Commission